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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE WILLIAM Q. HAYES)

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS GOMEZ-DOMINGUEZ,

Defendant.

Case No.: 08CR01003-WQH

Date: July 21, 2008

Time: 2:00 p.m.

NOTICE OF MOTIONS AND MOTIONS TO:

- (1) PROHIBIT ANY EVIDENCE UNDER FEDERAL RULE OF EVIDENCE 404(b) AND 609 BECAUSE THE GOVERNMENT HAS FAILED TO PROVIDE ADEQUATE NOTICE OF OTHER CRIMES, WRONGS, OR ACTS;**
- (2) PRECLUDE GOVERNMENT FROM USING DEPORTATION DOCUMENTS AT TRIAL;**
- (3) ORDER PRODUCTION OF ANY SUPPLEMENTAL REPORTS;**
- (4) ORDER PRODUCTION OF GRAND JURY TRANSCRIPTS;**
- (5) COMPEL INSPECTION OF CERTIFIED DOCUMENTS PRE-TRIAL**
- (6) ALLOW ATTORNEY-CONDUCTED *VOIR DIRE*;**
- (7) SUPPRESS THE DEPORTATION HEARING AUDIOTAPE OR TRANSCRIPT;**
- (8) ADMIT MR. GARCIA'S ENTIRE STATEMENTS UNDER THE RULE OF COMPLETENESS;**
- (9) PRECLUDE EXPERT TESTIMONY**
- (10) PRECLUDE THE "A-FILE CUSTODIAN" FROM TESTIFYING ABOUT IMMIGRATION PROCEEDINGS;**

- (11) PRECLUDE THE "A-FILE CUSTODIAN" FROM TESTIFYING ABOUT SEARCHING DATABASES FOR PERMISSION TO REENTER;
- (12) ALLOW EACH JUROR TO HAVE A SEPARATE COPY OF THE APPROVED JURY INSTRUCTIONS;
- (13) NOT SEND THE INDICTMENT INTO THE JURY ROOM DURING DELIBERATIONS;
- (14) PRECLUDE FROM INTRODUCING EVIDENCE OF A REINSTATEMENT OF DEPORTATION; AND
- (15) LEAVE TO FILE FURTHER MOTIONS.

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND
CHRISTOPHER ALEXANDER, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on July 21, 2008, at 2:00 p.m., or as soon thereafter as counsel may be heard, the accused Luis Gomez-Dominguez, by and through his attorneys, Erick L. Guzman and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motion outlined below.

MOTIONS

Defendant, Mr. Gomez-Dominguez, by and through his attorneys, Erick L. Guzman and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

- (1) prohibit any evidence under federal rule of evidence 404(b) and 609 because the government has failed to provide adequate notice of other crimes, wrongs, or acts;
- (2) preclude government from using deportation documents at trial;
- (3) order production of any supplemental reports;
- (4) order production of grand jury transcripts;
- (5) compel inspection of certified documents pre-trial
- (6) allow attorney-conducted *voir dire*;
- (7) suppress the deportation hearing audiotape or transcript;
- (8) admit Mr. Garcia's entire statements under the rule of completeness;
- (9) preclude expert testimony
- (10) preclude the "a-file custodian" from testifying about immigration proceedings;
- (11) preclude the "a-file custodian" from testifying about searching databases for permission to reenter;
- (12) allow each juror to have a separate copy of the approved jury instructions;

(13) not send the indictment into the jury room during deliberations;
(14) preclude from introducing evidence of a reinstatement of deportation;
and
(15) leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at or before the time of the hearing on these motions.

Respectfully submitted,

Dated: July 7, 2008

/s/ Erick L. Guzman
ERICK L. GUZMAN
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Gomez-Dominguez
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